

**U.S. Army Corps of Engineers - Charleston District  
Checklist for 2002 Nationwide Permit Review  
Nationwide Permit 16**

**Return Water from Upland Contained Disposal Areas  
(404)**

SAC #: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Waterway/Location: \_\_\_\_\_

Project Name: \_\_\_\_\_

1. Is the proposed activity for return water from upland contained dredged material disposal areas? **Note:** *The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs on the upland and does not require a Section 404 permit. NWP 16 satisfies the technical requirement for a Section 404 permit for the return water where the quality of the return water is controlled by the state through the Section 401 certification procedures.*

☐ Yes      ☐ No

2. If the dredging is located in a navigable water of the U.S., has a separate Section 10 permit been issued for the dredging activity?

☐ Yes      ☐ No      ☐ NA

3. Is the dredging being performed in such a manner that the fallback into waters of the U.S. needs a separate Section 404 permit (i.e., does it have more than a *de minimus* effect)?

☐ Yes      ☐ No

4. Is the proposed activity located in a designated critical resource water or its adjacent wetlands?

☐ Yes<sup>1</sup>      ☐ No

5. Are all of the applicable NWP General and Regional Conditions satisfied, including mitigation (GC #19), endangered species, and cultural resources, and if any Federally listed species and/or designated critical habitat occurs in the action area, have you made an effect determination and properly documented it in the administrative record?

☐ Yes      ☐ No

6. Has Section 401 Water Quality Certification and/or Coastal Zone Consistency Determination been received?\*

☐ Yes      ☐ No

TO QUALIFY FOR THE NWP, UNLESS OTHERWISE NOTED, EVERY NUMBERED ITEM MUST HAVE A CHECKED BOX.

<sup>1</sup> - Discharges of dredged or fill material into waters of the U.S. may be authorized by this NWP in National Wild and Scenic Rivers if the activity complies with NWP General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with NWP General Condition 11, and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service has concurred in a determination of compliance with this condition.

**\*NOTE: This NWP must be coordinated with DHEC/OCRM prior to authorization.**